

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The specification has been amended to correct minor grammatical and typographical errors, as well as to address the objection to the disclosure made in the Office Action (the objection to the specification refers to "Page 3, Paragraph 59", but no such reference can be found in the specification – however, it is believed that the Office Action meant to refer to page 13, line 18 of the specification, which has been amended to refer to Figure 2). No new matter has been added.

Claims 2, 8, 12 and 15 are currently being cancelled.

Claims 1, 3, 4, 7, 11, 13, 14, 16 and 17 are currently being amended. Please note that the features of now-cancelled claims 2, 8, 12 and 15 have been incorporated into presently pending independent claims 1, 7, 11 and 14, respectively. The amendments to claims 3-6, 10, 13 and 16-19 are minor in nature and do not affect the scope of those claims.

Claims 20-23 are being currently added. Support for these new claims may be found, for example, on page 19, line 22 to page 20, line 1 of the specification.

This amendment adds, cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-7, 9-11, 13, 14 and 16-23 are now pending in this application.

In the Office Action, claims 1-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,198,931 to Smith et al. This rejection, to the extent that it may be applied to the presently pending claims under rejection, is traversed for at least the reasons given below.

In its rejection of claim 2, which features are now incorporated into presently pending claim 1, the Office Action asserts that column 4, lines 27-32; column 5, lines 36-42; Figure 4, steps 402-404; and Figure 2, items 234 and 207 of Smith et al. teach the features in this claim. However, this assertion is incorrect. As recited in presently pending claim 1, the mobile terminal sends its position information periodically to the switchboard. Column 4, lines 27-32 of Smith et al. describes that Smith et al.'s mobile terminal 122 has a GPS receiver to help determine the location of the mobile terminal 122. Column 5, lines 36-42 of Smith et al. describes a portion of Figure 4, which describes a first aspect of Smith et al.'s invention. In this first aspect, if a call originator is located close to a call destination, the call will go through to the call destination. Thus, there is no requirement in Smith's system to periodically send the location of the call destination and the call source to the controller, since the controller merely checks a current location of the call source and a current location of the call destination at a time a call is to be made by the call source, and if they are close enough to each other, the call is allowed. Previous locations of the call source and the call destination are immaterial to Smith et al.'s first aspect of his invention.

Thus, Figures 2, 4 and columns 4 and 5 of Smith et al. do not teach or suggest the need to periodically send position location information of a mobile terminal to a switchboard, so that the switchboard can compute a current speed of the mobile terminal. It is acknowledged that Smith et al.'s fourth aspect of his invention describes that calls to a mobile terminal moving at a high rate of speed are blocked by a controller under certain circumstances; however, as shown in Figure 7 of Smith et al. and as described in column 7 of Smith et al., in a first step 602 the controller receives a communication from a portable subscriber unit, and then in a second step the controller "cooperates with portable subscriber unit to compute the speed at which the portable subscriber unit is moving." Clearly, Smith et al.'s portable subscriber unit does not periodically send its position location information to the controller, but it only

does so when requested by the controller upon initiation of a potential incoming call to the portable subscriber unit.

Therefore, all of the features presently pending independent claim 1 are not taught or suggested by Smith et al.

Presently pending independent claims 7, 11 and 14 have been amended in a manner similar to that described above with respect to presently pending independent claim 1, and it is submitted that Smith et al. does not teach or suggest the "periodically" sending of position location information from a mobile terminal to a switchboard, as explicitly recited in those claims.

Dependent claims 3-6, 10, 13 and 16-23 are patentable due to their respective dependencies on one of the base claims 1, 7, 11 and 14 discussed above, as well as for the specific features recited in those dependent claims.

New claims 20-23 have been added to recite additional features of the present invention that are not taught or suggested by Smith et al. In particular, new claim 20 recites that the position information transmission unit transmits the position information of the mobile terminal continuously to the switchboard within a time period starting from a first time when the moving speed of the mobile terminal is determined to exceed the predetermined threshold, and ending at a second time when the moving speed of the mobile terminal is determined to not exceed the predetermined threshold and

wherein the position information transmission unit transmits the position information periodically to the switchboard at all other times.

Smith et al. merely describes that his portable subscriber unit 122 cooperates with his controller to allow the controller to determine the current speed of the portable subscriber unit 122, whereby there is no teaching or suggestion in Smith et al. that his portable subscriber unit 122 sends position location information continuously to the controller at certain times and sends position location information periodically to the controller at other times.

Accordingly, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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Date

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